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DEC 29 2004

In re Application of
Laurie DeLeve
Application No. 10/086,072
Filed: February 27, 2002
Attorney Docket No. 13761-7065

OFFICE OF PETITIONS
ON PETITION


This is a decision on the petition under 37 CFR 1.137(b), filed November 2, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed February 23, 2004, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The reply submitted on May 24, 2004 did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed June 22, 2004. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed, and no extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 24, 2004.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center 1617 for processing of the request for continued examination under 37 CFR 1.114.


Wan Laymon
Petitions Examiner
Office of Petitions
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for Patent Examination Policy